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In re Application of
SCHULZ, et al.
U.S. Application No.: 10/088,067
PCT No.: PCT/US00/01432
Int. Filing Date: 21 January 2000
Priority Date: None
Atty Docket No.: NREL 98-34
For: METHOD FOR FORMING THIN-FILM
CONDUCTORS THROUGH THE
DECOMPOSITION OF METAL-CHELATES
IN ASSOCIATION WITH METAL PARTICLES

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on the communication filed 29 November 2007. For the reasons discussed herein the communication is being treated as a petition under 37 CFR 1.181 to accept the papers filed 29 November 2007, including the subject petition to revive under 37 CFR 1.137(b) as having been filed 19 June 2002.

BACKGROUND

On 21 January 2000, applicant filed international application PCT/US00/01432. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 21 July 2002.

On 07 March 2002, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by an Information Disclosure Statement and an executed declaration and power of attorney. Applicant did not include a viable deposit account number for charging of the U.S. basic national fee.

On 03 June 2002, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the application was abandoned for failure to provide payment of the full U.S. basic national fee prior to expiration of 30 months from the priority date.

On 29 November 2007, applicant filed the petition considered herein.

DISCUSSION

I. Petition Under 37 CFR 1.181

A review of the application file finds applicant's original 19 June 2002 filing contained therein. As such, the petition under 37 CFR 1.181 to accept the copy of the petition to revive filed 29 November 2007 as having been filed 19 June 2002 is **DISMISSED as moot**.

II. Petition Under 37 CFR 1.137(b)

PCT/US00/01432 did not contain a priority claim. Therefore, the international filing date is considered the priority date for calculating the 30 month deadline. As shown above, the expiration of the 30 month period for this application was 21 July, 2002. As such, mailing of the form PCT/DO/EO/909 on 03 June 2002 was premature. A review of applicant's 19 June 2002 filing finds authorization for payment of all necessary fees. As this authorization came before expiration of the 30 month date there is no need to proceed with revival of the application pursuant to 37 CFR 1.137(b). The petition is **DISMISSED as moot**.

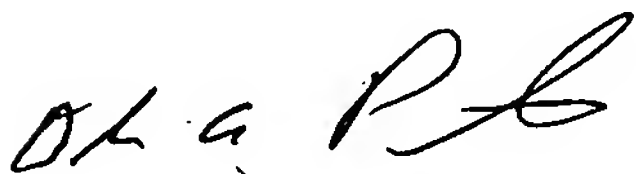
CONCLUSION

For the reasons stated above, applicant's petitions under 37 CFR 1.181 and 37 CFR 1.137(b) are **DISMISSED as moot**.

The Notification of Abandonment mailed 03 June 2002 is hereby **VACATED**.

The application has an international filing date of 21 January 2000 under 35 U.S.C. 363 and will be given a date of **19 June 2002** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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